

## **RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
April 25, 2007

**PRESENT:** Mayor Reed, Vice Mayor Cortese, Councilmembers Chirco and Constant

**ABSENT:** Mayor Reed (excused himself at 2:28 p.m.)

**STAFF:** City Attorney Rick Doyle, City Clerk Lee Price, Deputy City Manager Deanna Santana, Redevelopment Agency Executive Director Harry Mavrogenes, Redevelopment Agency Assistant Director Gary Miskimon, Agenda Manager Nadine Nader, and Mayor Council Agenda Manager Alicia Bosco.

### **A. City Council**

#### **1. Review May 1, 2007 Final Agenda**

Action: The Committee approved the following additions to the May 1, 2007 Council Agenda:

##### Mayor/Council Member Requests

- Presentation of a commendation for Delorme McKee-Stovall. (Mayor)
- Presentation of a commendation recognizing the students and teachers for their accomplishments in science and engineering at the Synopsys Silicon Valley Science and Technology Championship. (William/Cortese)
- Approval of Councilmember Liccardo's travel to Los Angeles, Ca. (Liccardo)
- Approval of appointment to the San José Arena Authority Board of Directors. (Mayor)
- Item 5.2 (Approval to amend the Animal Regulations of the San José Municipal Code) to be heard first in the evening.
- Item 5.3 (Approval of actions related to the San José Municipal Rose Garden) recommend deferral to the evening of May 15, 2007.
- Item 9.1 (Approval to amend the Strong Neighborhood Initiative Winchester Neighborhood Improvement Plan) to be heard not before 8:00 p.m.

Public Comments: Bill Pope, Linda Dittes and Eric Larson urged the deferral of item 5.3 to the evening of May 15, 2007.

Council Appointee Requests

- Swearing in Ceremony for Citywide Youth Commissioner Darlene Tu. (City Clerk)
- Presentation of a proclamation declaring May 1<sup>st</sup> through May 7<sup>th</sup> as Public Service Recognition Week. (City Manager)

**2. Review May 8, 2007 Draft Agenda**

Action: The Committee approved the following additions to the May 8, 2007 Council Agenda:

- Request for excused absences for Councilmember Constant. (Constant)
- Request for an excused absence for Councilmember Nguyen. (Nguyen)

**B. Redevelopment Agency**

**1. Review May 1, 2007 Final Agenda**

The Committee canceled the Agency's regular afternoon session.

**2. Review of May 8, 2007 Draft Agenda**

The Committee approved the May 8, 2007 Redevelopment Agency Agenda.

**C. Legislative Update**

**1. State**

None.

**2. Federal**

None.

**D. Meeting Schedules**

None.

**E. The Public Record**

Document Filed: 1) Memorandum from Lee Price, City Clerk, dated April 20, 2007 transmitting the Public Record for the week of April 13-19, 2007

Action: The Committee noted and filed the Public Record.

**F. Appointments to Boards, Commissions and Committees**

**1. Re-appointments to the Historic Landmarks Commission and the Housing and Community Development Advisory Commission.**

Documents Filed: 1) Memorandum from Councilmember Chirco dated April 5, 2007 recommending re-appointment of Patricia Colombe and Dana Peak to the Historic Landmarks Commission. (2) Memorandum from Councilmember Campos dated April 17, 2007 recommending re-appointment of Albert Munoz to the Housing and Community Development Advisory Commission.

Action: The Committee approved the re-appointments.

**G. Rules Committee Reviews, Recommendations and Approvals.**

**1. Council Expenditures and Reimbursement.**

CONTINUED FROM JANUARY 31, 2007

Action: The Committee deferred this item to May 2, 2007.

**2. Review the Independent Police Auditor's (IPA/Human Rights Commission (HRC) Report and Recommendations from Community Forums Regarding the Police San José.**

Documents Filed: Memorandum from Barbara Attard, Independent Police Auditor and Lawrence Boesch, Chair of the Human Rights Commission dated April 20, 2007 submit the following recommendations to address these issues: A. That the City Council request the City Manager to direct the SJPD to do the following: (1) Prioritize and implement officer training to (a) reinforce existing San José Police Department policies regarding respectful treatment of the public; (b) improve communication between police officers and the public; and (c) increase racial, ethnic and cultural sensitivity among police officers. (2) Report to the Council on semi-annual basis for a two year period starting in September of 2007 on the status of the above recommendation.

Discussion: Independent Police Auditor Barbara Attard provided an overview of the joint report. Human Rights Commission (HRC) Chair Lawrence Boesch commented that the report does not include all the information the HRC believes relevant and noted that a minority opinion, and/or recommendation, is forthcoming. Councilmember Constant asserted that there are fundamental flaws in the data outlined in the report and had some concerns with the data presented in the report. Mayor Reed suggested that the report, along with any further recommendations from the HRC, be heard by the Council during a special meeting at which other related items, including the Independent Police Auditor's Annual Report and the Police Chief's report on the use of force will be heard.

Action: The Committee referred this item to a special meeting of the City Council the evening of June 21, 2007.

**3. Authorization to Travel.**

Documents Filed: Memorandum from Councilmember Pyle dated May 12, 2007 requesting to travel to Austin, Texas on October 10-12, 2007 to attend the San José/Silicon Valley Chamber of Commerce City Trip 2007.

Action: The Committee approved the travel request for Councilmember Pyle.

**H. Review of additions to Council Committee Agendas**

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee**
- 3. Transportation and Environment Committee**
- 4. Public Safety, Finance and Strategic Support Committee**

None.

**I. Open Government Initiatives**

**1. Reed Reforms**

- **Reed Reform #25 – Council Assistants Certification**

DEFERRED FROM APRIL 4, 2007

Documents Filed: Memorandum from City Manager Les White, City Attorney Rick Doyle and City Clerk Lee Price dated March 29, 2007 recommending (a) acceptance of the proposed curriculum for a Council Assistant Certification Program, per Reed Reform #25: Create a certified training program for Mayoral and Councilmember staff to ensure they are fully aware of laws and ethical standards so they can help their bosses follow the law; (b) Refer to the full City Council for consideration at the April 17, 2007 Council Meeting.

Discussion: Deputy City Manager Deanna Santana provided an overview of the proposed program. Councilmember Chirco asked if it applied to part-time Council Office staff. City Staff agreed to bring back a supplemental recommendation regarding part-time employees.

Action: The Committee referred the matter back to staff.

- 2. Sunshine Reform Task Force**
- 3. Significant Public Records Act Requests**
- 4. Council Policy Manual Update**

None.

**J. Open Forum**

Kathryn Mathewson and Yolanda Reynolds, President and Board Member of Save Bay Area Research Extension Center, urged the Committee to place on the May 1, 2007 evening Council Agenda an action to support the preservation of open space land in Santa Clara.

**K. Adjournment**

The meeting was adjourned at 3:08 p.m.

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Chuck Reed, Mayor  
Rules and Open Government Committee